8 April 2005

Original: English

Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel
11-15 April 2005

Proposal by China, Japan, Jordan and New Zealand for discussion

Third preambular paragraph

Conscious of the particular risks faced by personnel engaged in United Nations operations conducted for the purposes of delivering humanitarian, political and development assistance in peacebuilding [, including in situations of destabilizing civil unrest, societal breakdown, conflict and transitional reconstruction], and delivering emergency humanitarian assistance,

Fourth preambular paragraph

Convinced of the need to have in place an effective regime to ensure that the perpetrators of attacks against United Nations and associated personnel engaged in United Nations operations are brought to justice,

Article II

1. The Parties to this Protocol shall, in addition to those operations as defined in article 1 (c) of the Convention, apply the Convention in respect of all other United Nations operations established by a competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under United Nations authority and control for the purposes of delivering humanitarian, political or development assistance in peacebuilding, or delivering emergency humanitarian assistance.

2. Paragraph 1 does not apply to any permanent United Nations office, such as headquarters of the Organization or its specialized agencies established under an agreement with the United Nations.

3. This Protocol shall apply to an operation conducted for the purpose of delivering emergency humanitarian assistance in case of natural disaster unless the host State expresses its objection to such application.

* Reissued for technical reasons.

05-30206* (E)

Article III

The duty of a State Party to this Protocol with respect to the application of article 8 of the Convention to United Nations operations defined in article II of this Protocol shall be without prejudice to its right to take action in the exercise of its national jurisdiction over any United Nations or associated personnel who violates the laws and regulations of that State, provided that such action is not in violation of any other international law obligation of the State Party.